

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AIMEE O'NEIL,

Plaintiff

v.

JOVI SALAS and CARLA NAKATANI,

Defendants

Case No.: 2:21-cv-00063-APG-EJY

**Order Accepting Report and
Recommendation and Setting Deadline for
Amended Complaint**

[ECF No. 3]

On January 14, 2021, Magistrate Judge Youchah recommended I dismiss plaintiff Aimee O'Neil's complaint with leave to amend. ECF No. 3. O'Neil did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation (**ECF No. 3**) is **accepted** and plaintiff Aimee O'Neil's complaint (ECF No. 1-1) is dismissed without prejudice for failure to state a claim.

I FURTHER ORDER that plaintiff Aimee O'Neil may file an amended complaint correcting the deficiencies identified in Magistrate Judge Youchah's report and recommendation, if facts exist to do so. Failure to file an amended complaint by March 12, 2021 will result in dismissal and closure of this case without prejudice.

DATED this 10th day of February, 2021.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE